

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

James F. Meegan, II,

Petitioner

v.

Director James Cox, et al.,

Defendants

2:15-cv-02500-JAD-GWF

**Order Granting Application to Proceed
in forma pauperis and Ordering
Petitioner to Show Cause Why Petition
Should not be Dismissed as Moot**

[ECF 1]

Former Nevada state prisoner James F. Meegan, II, filed this § 2254 petition to challenge his August 2013 parole revocation.¹ Meegan has also submitted an application to proceed *in forma pauperis*.² Meegan indicates on the face of his petition that he does not seek to challenge his first-degree murder conviction, only his 2013 parole revocation. And Meegan clearly states that the relief he seeks is parole, but he was released on parole in August 2015.³

The federal habeas statute gives the United States district courts jurisdiction to entertain petitions for habeas relief only from persons who are “in custody in violation of the Constitution or laws or treaties of the United States.”⁴ A person who is on parole or probation at the time he files his federal habeas petition satisfies the custody requirement,⁵ but the relief Meegan seeks is parole, and he has already been released on parole. Because Meegan has already received the relief he requests, it appears that his petition is now moot.⁶ I therefore give Meegan until **May 19, 2016**, to show that his release on parole has not rendered his petition moot. If Meegan cannot demonstrate that his

¹ ECF No. 1-1.

² ECF No. 1.

³ ECF No. 1-1.

⁴ 28 U.S.C. § 2241(c)(3) (emphasis added); *see also* 28 U.S.C. § 2254(a).

⁵ *Jones v. Cunningham*, 371 U.S. 236, 240–43 (1963).

⁶ *See, e.g., Spencer v. Kemna*, 523 U.S. 1 (1998).

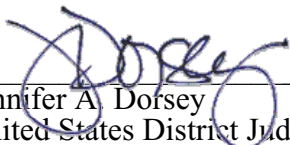
1 petition satisfies the case-or-controversy requirement by that date, his petition will be dismissed with
2 prejudice and without further notice.

3 **Conclusion**

4 Accordingly, IT IS HEREBY ORDERED that petitioner's application to proceed *in forma*
5 *pauperis* [ECF 1] is **GRANTED**.

6 IT IS FURTHER ORDERED that **petitioner has until May 19, 2016, to show cause why**
7 **his petition should not be dismissed as moot**. If petitioner fails to show cause by that deadline, his
8 petition will be dismissed with prejudice and without further notice.

9 Dated this 19th day of April, 2016.

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11 _____
12 Jennifer A. Dorsey
13 United States District Judge
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